

BOARDS AND COMMISSIONS
Board of Barbering
(Amendment)

201 KAR 14:040. Inspection of shops and schools.

RELATES TO: KRS 317.440(1), 317.450(2), 317.590

STATUTORY AUTHORITY: KRS 317.440(1), 317.450(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1) requires the Board of Barbering to promulgate administrative regulations governing the location and housing of barber shops or schools and the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. KRS 317.450(2) requires the board to refuse to issue a license to a barber who has failed to comply with the provisions of KRS Chapter 317 and 201 KAR Chapter 14. KRS 317.590 authorizes disciplinary action for violations of KRS Chapter 317 and 201 KAR Chapter 14. This administrative regulation establishes requirements relating to the inspection of a barber shop or school and the information to be displayed at a barber shop or school.

Section 1. A board member or authorized agent may inspect a barber shop, manicuring establishment located within a barber shop, or a barber school to determine if the licensee is in compliance with KRS Chapter 317 and 201 KAR Chapter 14.

Section 2. A barber shop or school shall conspicuously display:

(1) The license and picture of each barber and independent contract owner engaged in the practice of barbering at that shop or school; at the station where the barber or student is working;

(2) The license for the barber shop or school; ~~and~~

(3) The most recent inspection sheet furnished by the board for the barber shop, independent contract owner, or school. The inspection sheet shall include the telephone number and address for a consumer to use to file a complaint against a licensee; and

(4) The permit card and current picture taken within the last twelve (12) months shall be displayed at each student workstation in a school of barbering.

Section 3. The owner and manager of each establishment licensed by the board shall be responsible for compliance with KRS Chapter 317 and 201 KAR Chapter 14. This section shall not apply to violations committed by an independent contract owner, in accordance with KRS 317.595(2).

JASON CROCKETT, Chair

APPROVED BY AGENCY: November 8, 2021

FILED WITH LRC: November 15, 2021 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 24, 2022, at 9:00 a.m., at Kentucky Board of Barbering. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on January 31, 2022.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher D. Hunt

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes guidelines for the inspection of shops and schools.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to satisfy statutory requirements that regular inspections be established. The regulation also ensures compliance with requirements to inspect shops and schools.

(c) How this administrative regulation conforms to the content of the authorizing statutes: 201 KAR Chapter 14. KRS 317.590 authorizes disciplinary action for violations of KRS Chapter 317 and 201 KAR Chapter 14. This administrative regulation establishes requirements relating to the inspection of a barber shop or school

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides a structure for the inspections of barbershops and schools, this allows inspectors to identify barbers and student barbers by having a recent photo with their license or permit card located at their workstations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment this allows inspectors to identify barbers and students by having a recent photo with their license or permit card located at their workstations.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to aid in the identification of barbers and students by providing a recent photo with their permit to perform services at a school.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 317.590 authorizes disciplinary action for violations of KRS Chapter 317 and 201 KAR Chapter 14. This administrative regulation establishes requirements relating to the inspection of a barber shop or school and the information to be displayed at a barber shop or school.

(d) How the amendment will assist in the effective administration of the statutes: This amendment aids inspectors in identifying licensees in schools and shops to make sure that people working are actually the people licensed by this chapter.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects approximately 4,550 license holders, in the following categories: master barbers, apprentice barbers, student barbers, barber instructors, barber schools, and barber shops. This administrative regulation will also affect future license applicants.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No action will be required of current license holders. The requirement for obtaining a new license.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is no cost anticipated for compliance with the amended language.

(c) As a result of compliance, what benefits will accrue to the entities: License holders will benefit from a clearer, more concise description of their responsibilities when retaking exams for licensure.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: None – not applicable to this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any new fees, nor does it alter or increase existing fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Barbering.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 317.450(3); KRS 317.440.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. The Board of Barbering is the only agency that would be directly impacted by this regulation. There are no expected impacts on expenditures or revenue, as the agency already employs inspectors, who determine compliance with all applicable regulations on their inspection visits. The only possible revenue would be from fines associated with failures to comply with the administrative regulation. This revenue would be variable and negligible.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? \$0-\$500.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? \$0-\$500.

(c) How much will it cost to administer this program for the first year? No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

(d) How much will it cost to administer this program for subsequent years? No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: NA